IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

Bail Appl..No. 1131 of 2007()

AGAINST THE ORDER IN BA.568/2007 Dated 01/02/2007
OR.NO.1/06 OF SILENT VALLYE NATIONAL PARK

.....

PETITIONER/8TH ACCUSED.

RAHIM O., S/O.MOHAMMED,
OTHUKKUMPURATH HOUSE,
THIRUVAZHAMKUNNU POST, KACHERIPADI,
MANNARKKAD.

BY ADV. SRI.RAJESH NAMBIAR

RESPONDENT: STATE.

THE STATE OF KERALA, REPRESENTED BY
THE ASST. WILD LIFE WARDEN,
SILENT VALLEY NATIONAL PARK,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/02/2007, ALONG WITH 1147/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NOs. 1131/07 & 1147/07

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DATED THIS THE 27th DAY OF FEBRUARY, 2007

O R D E R

The common petitioner in these applications for anticipatory bail is the 8th accused in O.R.No.1/06 of Silent Valley National Park and Crime No.960/06 of Mannarkkad Police Station. The offences for which O.R.No.1/06 has been registered are punishable under sections 2(16), 2(35), 31, 35(8) and 51 of the Wild Life Protection Act and section 27(1)(e) (iv) of the Kerala Forest Act. The offence registered in Crime No.960/06 is one punishable under section 25(1)(a) of the Arms Act, 1959 for the contravention of section 3 thereof.

2. Learned Public Prosecutor opposed the application .

3. The case of the prosecution is that on 17.12.2006 nine persons including the petitioner armed with country made guns and other ammunitions had trespassed into the Silent Valley National Park for hunting . The first accused Asharaf was arrested on the next day and the other eight persons had made good their escape. The complicity of rest of the accused persons was revealed from the statement given by the first accused.

4. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the

Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the J.F.C.M., Mannarkkad and files applications for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which such applications are filed.

These applications are disposed of as above.

V.RAMKUMAR, JUDGE

dsn